



Attorney Docket No.: 20347US1 C38435/128985

**Declaration and Power of Attorney for Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**$\beta$ ,  $\beta$ -CAROTENE 15, 15'-MONOOXYGENASES, NUCLEIC ACID SEQUENCES  
CODING THEREFOR AND THEIR USE**

the specification of which

(check one)

☐

is attached hereto

☒

was filed on January 15, 2002 as

Application Serial No. 10/053,192

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)****Priority Claimed**

<u>99103382.0</u>	<u>Europe</u>	<u>22 February 1999</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material

information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/504,393</u>	<u>February 15, 2000</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u></u>	<u></u>	<u></u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

POWER OF ATTORNEY. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)

<b>Stephen M. Haracz</b>	<b>(Reg.No. 33397)</b>	<b>Kevin C. Hooper</b>	<b>(Reg.No. 40402)</b>
<b>Warren K. MacRae</b>	<b>(Reg.No. 37876)</b>	<b>Stephen J. Brown</b>	<b>(Reg.No. 43519)</b>
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Full name of sole or first inventor

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Inventors signature

Date

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Inventors signature

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**Wolf-Dietrich WOGGON**

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Full name of sixth joint inventor, if any

**Adrian WYSS**

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Full name of seventh joint inventor, if any**Markus WYSS**

Inventors signature

Date

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Citizenship

**Swiss**

Post Office Address

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(Supply similar information and signature for subsequent joint inventors)

Title 37, Code of Federal Regulations, § 1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The Duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* of unpatentability of a claim, or
- (2) It refutes, or is inconsistent with, a position the applicant takes in
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.